

## **REMARKS**

This is in full and timely response to the Official Action of September 1, 2004. A Petition to Extend Time to Within the Third Month also accompanies this paper. Reexamination and reconsideration re respectfully requested.

### **Priority Claim**

The Action does not acknowledge the priority claim included in the declaration papers, or the submission of the certified copy in support of that claim, included with the application papers as filed. Acknowledgement of those papers in the next communication is respectfully solicited.

### **Information Disclosure Statement**

It is noted with appreciation that the IDS filed on April 4, 2002 was at least partially considered. Reconsideration is respectfully requested for consideration of the Applicant's two brochures in that it is not clear on this record why those citations were lined through in the copy of the PTO-1449 returned with the Action. In the event that the citations became separated after filing within the Office, duplicate copies from the Applicant's files are here provided.

### **Claims**

Claims 1 to 15 were pending in this application as filed. Each of these claims was rejected as either anticipated by or obvious over the patent to Appelbaum, No. 6, 117,126 (Ref. A, this Action). Without acquiescence in or agreement with the stated rejections, these

rejections are mooted by the cancellation of claims 1 to 15. Claims 16 to 19 are now submitted, finding support in the specification as filed and the accompanying drawings. The reasons that the newly-added claims are patentable, among others, are set forth thereafter.

#### **Difference from the Cited Invention**

Appelbaum et al. (US 6,117,126) disclose a system for controlling a plurality of ophthalmic microsurgical instruments connected thereto. The apparatus of Appelbaum et al. is a combination apparatus in which a plurality of microsurgical instruments are combined for individual use or simultaneous use, and the plurality of microsurgical instruments share a treatment condition setting unit, a control unit, and a footswitch.

In contrast, the present invention as now claimed is different from the system for controlling a plurality of ophthalmic microsurgical instruments, and relates to a system for reducing a burden on an operator by improving the mutual operability of apparatuses which originally have been separately developed as independent surgical apparatuses and are often in isolated use at the present time but are in successive use depending on the kind of diseases. See generally the discussion at pages 1 and 2 of the specification as filed.

More specifically, the independent claim 16 now recites that the claimed medical system includes a first and a second ophthalmic treatment apparatus available for independent use in isolation from the other apparatus. Each respectively includes a first treatment instrument for a first treatment and a second treatment instrument for a second treatment. Each is recited as including a setting unit, a display, a footswitch, and a control means for controlling operation based on the treatment condition and the operation signal from the footswitch. A mode selection switch is included, as is a communication unit which carries out communications between the first and second treatment apparatus. Claim 16 terminally

recites that the first and the second control means, when the first treatment mode is selected by the mode-selection means, enable via the communication unit setting the first treatment unit by the second setting unit and giving the operation signal for the first treatment by the operation signal from the second footswitch. At the very least, this feature is not disclosed in or made obvious by the Appelbaum reference, see for example, column 7, lines 17 to 26 and column 17, lines 35 to 44 and lines 60 to 64. Support for this feature is found, among other places, at page 4 of the specification as filed, and a representative discussion of that feature is discussed at least at pages 10 and 11 of the specification as filed.

Claims 18 and 19 respectively further recite memory features for the respective treatment apparatuses, and representative specific treatment instruments. Claim 17 recites features of the displays having setting screens in different colors. To the extent that the rejection of claims 3 and 13 of the previously-submitted claims might arguably still apply, it should be noted that claim 16 recites features that are patentable over Appelbaum. More directly, arguing that a “design choice” is involved fails to address the section 103 conditions for any obvious rejection based on art.

Conclusion

Newly-submitted claims 16 to 19 are patentable over the Appelbaum reference previously applied to claims 1 to 15; reexamination of the newly-submitted claims is respectfully solicited.

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Respectfully submitted,

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